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FILED
U.S. DISTRICT COURT
WESTERN DISTRICT OF MASSACHUSETTS
SEP 10 2004

UNITED STATES DISTRICT COURT
Western District of Massachusetts

_____)	
KEITH BRIAN ASKINS)	
)	
Plaintiff)	Civil Action No. <u>04-30178-MA7</u>
)	
vs.)	COMPLAINT FOR DAMAGES AND
)	DEMAND FOR JURY TRIAL
)	
WILLIAM C. WERNICKI TRUCKING)	
)	
Defendant)	
_____)	

PARTIES

1. The Plaintiff, KEITH BRIAN ASKINS, a natural person, was at all relevant times to this claim a resident at 89 Breckwood Boulevard, Springfield, Massachusetts.
2. The Defendant, WILLIAM C. WERNICKI TRUCKING, is a Connecticut Corporation with a principal office and place of business at 822 West Thames Street, Norwich, Connecticut.

JURISDICTION

3. The plaintiff, KEITH BRIAN ASKINS is and at all times material to this action was a resident of Massachusetts.
4. The defendant, WILLIAM C. WERNICKI TRUCKING, was at all relevant times to this action a duly organized corporation within the State of Connecticut.
5. The matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs.

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6. This Honorable Court has jurisdiction over this action and the claims asserted in this complaint under 28 U. S.C. sec. 1332(a) because:
 - a. There is complete diversity of citizenship between all plaintiffs and all defendants; and
 - b. The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

VENUE

7. Venue in the Western Massachusetts Division of the Federal District Court is proper as PLAINTIFF KEITH BRIAN ASKINS resided at all relevant times in Springfield, Hampden County, Massachusetts and the Defendant is subject to Personal Jurisdiction in this District.

CLAIMS FOR RELIEF

(Negligence)

8. The plaintiff, KEITH BRIAN ASKINS was employed on September 22, 2001 by The United States Postal Service at the bulk mail facility in Springfield, Massachusetts.
9. The plaintiff, KEITH BRIAN ASKINS was a mailhandler whose duties included removing mail from the rear of trucks at the facility.
10. On September 22, 2001 the plaintiff, KEITH BRIAN ASKINS, was removing tubs of mail from the rear of a truck/ trailer #18 Data Mail at door number 523 at the mail facility in Springfield, Massachusetts.
11. DEFENDANT WILLIAM C. WERNICKI TRUCKING was the sole contractor with Data Mail on site at the United States Postal Service bulk mail facility in Springfield, Massachusetts on September 22, 2001.
12. On September 22, 2001, PLAINTIFF KEITH BRIAN ASKINS was retrieving mail from the rear of the truck/trailer #18 Datamail when his right leg fell through a hole in the floor of the trailer that had been covered by a thin piece of plywood.
13. PLAINTIFF KEITH BRIAN ASKINS leg fell completely through said hole, his fall was stopped only when the remainder of his body impacted the floor of the trailer.
14. PLAINTIFF KEITH BRIAN ASKINS suffered severe injuries to his right knee eventually requiring surgery.
15. PLAINTIFF KEITH BRIAN ASKINS was injured while rightfully within the trailer belonging to DEFENDANT WILLIAM C. WERNICKI TRUCKING in performance of his duties at the United States Postal Service.

16. The negligence of DEFENDANT WILLIAM C. WERNICKI TRUCKING is the direct and proximate cause of PLAINTIFF KEITH BRIAN ASKINS injuries.
17. DEFENDANT WILLIAM C. WERNICKI TRUCKING was negligent by allowing an unsafe and unreasonable hazard to the safety of individuals it had knowledge and belief would be present in its' trailer.
18. As a result of the negligence of DEFENDANT WILLIAM C. WERNICKI TRUCKING suffered physical, emotional and financial injury.

JURY DEMAND

19. Plaintiff demands a jury trial for all issues triable by a jury in this action.

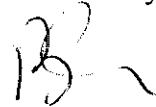
REQUEST FOR RELIEF

Plaintiff requests the following relief:

20. Compensatory damages for the injury sustained by PLAINTIFF KEITH ASKINS as a result of the negligence of DEFENDANT WILLIAM C. WERNICKI TRUCKING.
21. Compensatory damages for wages lost by PLAINTIFF KEITH ASKINS as a result of of the negligence of DEFENDANT WILLIAM C. WERNICKI TRUCKING.
22. Damages resulting from the pain and suffering and loss of life's enjoyment sustained by PLAINTIFF KEITH ASKINS as a result of the injury caused by the negligence of DEFENDANT WILLIAM C. WERNICKI TRUCKING.
23. For any and all other relief to which the plaintiffs may be entitled.

Dated: 9-8-04

Plaintiff By his attorney,



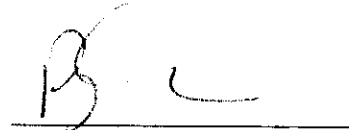
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached documents were served upon William C. Wernicki Trucking, 822 West Thames Street, Norwich, Connecticut 06360 via first-class mail postage pre-paid.

Dated: _____

9-8-04

A handwritten signature in black ink, appearing to read "B. O'Connor", written over a horizontal line.

Barry E. O'Connor, Esq.
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